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PATENT COOPERATION TREATY
PCT 10/228-99
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
 (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 03P090	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/AU2003/001332	International Filing Date (day/month/year) 9 October 2003	Priority Date (day/month/year) 9 October 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ F16B 5/00, 12/20, 12/32; E06B 3/00, 7/00		
Applicant WALKER, Richard, Alan		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																									
2. This REPORT consists of a total of 7 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s).																									
3. This report contains indications relating to the following items: <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input checked="" type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input checked="" type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input checked="" type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>		I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input checked="" type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
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Date of submission of the demand 22 April 2004	Date of completion of the report 1 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer D.R. LUM Telephone No. (02) 6283 2544

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 16

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 16

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See supplement sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-15

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-15	YES
	Claims	NO
Inventive step (IS)	Claims 1-13, 15	YES
	Claims 14	NO
Industrial applicability (IA)	Claims 1-15	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)**Inventive Step (IS) Claim 14**

1. US 5647682 A (RIEHM) 15 July 1997 (new citation)
2. WO 1995/017611 A (TITUS INTERNATIONAL LIMITED) 29 June 1995 (new citation)

Both these documents disclose a connector system including an elongate connector member and a connector member expander and which expander member interacts with the elongate member to retain a body. For example, WO 1995/017611 shows an elongate connector member 50 and a connector member expander 62 wherein upon the interaction between the elongate and the expander members, body members 42 and 32 are connected to each other. However, there is no disclosure that the connector system is used in combination with a modular window, but since the document discloses that the cited art can be used for furniture or any other structural elements, it is considered that using this prior art with a modular window lacks an inventive step.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 14 is not fully supported by the description with respect to the lack of full definition of the interaction between the elongate member and the expander. From a fair reading of the description, it appears that it is essential to the workings of the invention that the elongate member has an enlarged end with a slot and that the expander engages the slot and expands the enlarged end which results in the engagement of the body in which the connector is inserted. As this feature is not present in the claim, a lack of unity has resulted between claims 1 and 14. Re supplemental page, last paragraph.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Preliminary Examining Authority has found that there are different inventions as follows:

1. Claims 1-13 are directed to a connector system for connecting members together. The system comprises of a connector member and a connector member expander. The connector member in profile has an enlarged end and a narrower intermediate section between the ends. One end has a slot to receive the connector expander to expand the slot so the enlarged end is biased to retentively engage a body located adjacent the intermediate section. It is considered that the connector system comprises a first "special technical feature"
2. Claims 14 and 15 are directed to a modular window system comprising window modules, a connector system comprising an elongate connector member and a connector member expander. Each window module has slotted outer frame members. The connector member is adapted to retentively engage the slots in the slotted members when expander is applied to the connector member. It is considered that the modular window system comprises a second "special technical feature".
3. Claim 16 is directed to an improved window frame assembly having a sash, a sill and a seal disposed between the sash and the sill. The seal has a section adjacent a lower edge of the window assembly and the sill and sash has complimentary lower marginal sections outboard of the seal. The complementary lower marginal sections extend along at least the lower edge of the window assembly. The lower marginal sections define there between an inclined water passage means, downwardly inclined from a position adjacent the seal to the edge of the window ass. It is considered that the improved window assembly comprises a third "special technical feature".

Since the above mentioned groups of claims do not share the technical features identified, a "technical relationship" between the inventions, as defined in PCT Rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

Also note that since this report has been based on the invention as claimed in 1-13 & 14-15, it is noted that the common feature between these groups of claims is a connector system comprising an elongate member and a connector member expander, wherein the expander is applied to the elongate member to retentively engage a body. However, this common feature is known and is disclosed in US 5647682 A (RIEHM) 15 July 1997 (new citation) and WO 1995/017611 A (TITUS INTERNATIONAL LIMITED) 29 June 1995 (new citation) and also by the common insert plugs and screws wherein the inserts have been equated to the elongate member and the screw as the expander wherein upon the insertion of the screw into the plug, the plug is expanded and is retained in the cavity in which the plug has been inserted. Hence, the inventions as defined in the groups of inventions 1-13 & 14-15 lack unity a posteriori.